

AGREEMENT
FOR CARRYING OUT THE NATIONAL POLICY RELATIVE
TO ADVERTISING ADJACENT TO THE NATIONAL
SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

In order to promote the safety, convenience and enjoyment of public travel and the free flow of interstate commerce, and to protect the public investment in the National System of Interstate and Defense Highways (hereinafter referred to as the "Interstate System"), the Secretary of Commerce, acting by and through the Federal Highway Administrator (hereinafter referred to as the "Administrator"), and the State Highway Commission of the State of Wisconsin (hereinafter referred to as the "State") do hereby agree as follows:

1. Definitions. (a) The term "Act" means section 131 of title 23, United States Code, as amended by section 106 of the Federal-Aid Highway Act of 1959 (P.L. 86-342, 73 Stat. 612).

(b) The term "national standards" means the National Standards for Regulation by States of Outdoor Advertising Signs, Displays and Devices Adjacent to the National System of Interstate and Defense Highways promulgated by the Secretary of Commerce pursuant to the Act, and in effect on the date of this Agreement. Said national standards, as they were published in the Federal Register on November 13, 1958 (23 F.R. 8793), and amendments published in the Federal Register on January 12, 1960 (25 F.R. 218), and March 26, 1960 (25 F.R. 2575), are hereby incorporated herein by reference.

(c) Unless the context requires otherwise, the terms used herein shall have the same meaning as in the Act and the national standards.

2. Scope of Agreement. Except as otherwise expressly set forth herein, this Agreement shall apply to areas adjacent to all portions of Interstate System highways within the State that are constructed upon any part of a right of way, the entire width of which has been or is acquired subsequent to July 1, 1956. The said areas (hereinafter referred to as "Adjacent Areas") are those within 660 feet of the edge of the right of way of Interstate System highways, determined in accordance with the national standards.

There shall be excluded from application of the said national standards any segments of the Interstate System which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of September 21, 1959, was clearly established by State law as industrial or commercial.

3. State's Obligation. The State hereby agrees that, in accordance with the terms of this Agreement, it will control or cause to be controlled the erection and maintenance of outdoor advertising signs, displays and devices in Adjacent Areas within such State consistent with the Act and the national standards.

4. Plan for Controlling Adjacent Areas. The State further agrees that its control of Adjacent Areas shall, as a minimum, be in conformity with the Act, and the national standards, and shall be carried out pursuant to the Plan.

5. Exceeding of Standards. Nothing contained herein shall prohibit the State from exercising control of outdoor advertising signs, displays or devices to a greater degree than that required or contemplated by the national standards and the Act.

6. Plan for Controlling Areas Adjacent to Interstate Highways. State has presented or will present a "Plan for Controlling Areas Adjacent to Interstate Highways." The Plan shall consist of a narrative statement setting forth the methods and procedures the State will follow in controlling outdoor advertising, and shall include a set of maps color coded to show the segments of the Interstate System considered eligible for payment of an increased Federal share of the cost of construction, and the segments which are not considered eligible. The State shall promptly submit to the Administrator additions to or amendments of the Plan when the selection, designation, or modification of Interstate highway routes or other reasons make such action necessary or desirable. The State may from time to time

submit to the Administrator any proposals for amendment of the Plan. If approved by the Administrator, such additions or amendments shall become a part of the Plan.

7. Increase of Share. The Federal share payable on account of any project on the Interstate System provided for by funds authorized under section 108 of the Federal-Aid Highway Act of 1956, as amended, to which the Act, the national policy, and this Agreement apply, shall be increased by one-half of one per centum of the total cost thereof, if and when funds are appropriated and made available for such purposes. However, no additional cost that may be incurred in carrying out this Agreement, no cost incurred in connection with any segment of highway excluded from the application of the national standards, and no cost of any project not payable from funds authorized by section 108 of the Federal-Aid Highway Act of 1956, as amended, shall be included in such total for purposes of determining the amount of such increase.

8. The Obligation of the Federal Government. Notwithstanding any other provision of this Agreement, the United States shall not be required to make any payments hereunder unless and until Federal funds are duly appropriated in amounts sufficient to enable the Administrator to make payments as provided in this Agreement.

9. Payment Upon Evidence of Compliance. Payment of the one-half of one per centum increase in the Federal share will be made by the Administrator from funds appropriated and available for such purpose with respect to any project upon the submission by the State to the Administrator of a satisfactory showing that the State has fulfilled its obligations under this Agreement in connection with such project, that such project is completed, and that State is continuing to carry out its obligations hereunder with reference to all other highways on the Interstate System.

Advertising signs, displays or devices shall be removed, or caused to be removed, by State as follows:

(a) No outdoor advertising sign, display or device which is inconsistent with the Act or the national standards shall be allowed to remain after July 1, 1964, in areas adjacent to any segment of the Interstate System

which, prior to July 1, 1961, either has been completed to the geometric and design standards adopted for that system, or is under contract for completion to such standards.

(b) No outdoor advertising sign, display or device which is inconsistent with the Act or the national standards shall be allowed to remain in areas adjacent to any segment of the Interstate System after the date upon which the State highway department has accepted, as completed, a contract awarded on or after July 1, 1961, for the completion of such segment to the geometric and design standards approved for the Interstate System.

No part of the increased Federal share payable under the Act shall be paid to a State highway department on account of any project until outdoor advertising in areas adjacent to that project complies completely with the national standards.

10. Failure to Perform Obligations. If, after receiving payment of any portion of the aforementioned increase of one-half of one per centum in the Federal share of the cost of any project, the State should fail to perform its obligations or continue the same under this Agreement in connection with any project, the State hereby agrees that, if, without good cause shown to the satisfaction of the Administrator, it fails to perform such obligations within 60 days after the date of mailing by the Administrator of written notice thereof, it will return to the Federal Government all payments heretofore made under this Agreement. In the event the State does not return all of such payments within a reasonable time, State hereby authorizes the Administrator to withhold from the State an amount equal to such payments out of any Federal-aid highway funds then due or that may thereafter become due to the State.

Notwithstanding any other provision in this section, if the State fails to perform any obligation of this Agreement and such failure is caused by a temporary or interlocutory injunction or restraining order, or is caused by a declaration or final judgment of a court of competent jurisdiction or by a ruling of the Attorney General of said State that said State is without legal authority to perform said obligation under this Agreement, then the State will not be required to return to the Federal Government payments theretofore made

under this Agreement until 60 days have elapsed after such injunction or restraining order has been vacated or until 60 days have elapsed after the adjournment of the State legislative session which convenes next following such declaration, judgment or ruling, and in either case unless such failure in the performance of the State's obligation has not then been rectified.

11. Repayment Necessitated by Change in Zoning Within Incorporated Municipalities. If, after receiving payment of any portion of the aforementioned increase of one-half of one per centum, which payment is due to the control of advertising by State in an area within the limits of an incorporated municipality as those limits existed on September 21, 1959, the status of any portion of said area is changed to a commercial or industrial zone, the national policy on advertising control shall no longer apply to the area or portion of area the status of which is changed, and State hereby agrees that it will repay so much of any bonus payment made on account of the area to which the national policy no longer applies. In lieu of repayment, State hereby authorizes the Administrator to withhold from the State an amount equal to such payments out of any Federal-aid highway funds then due or that may thereafter become due to the State.

12. Effective Date. This Agreement shall become effective when executed only if it be signed on behalf of both the State and the Administrator prior to July 1, 1961.

In Witness Whereof the State has caused this Agreement to be duly executed in its behalf, and the Administrator has likewise caused the same to be duly executed in his behalf, as of the dates specified below.

June 9, 1961

STATE HIGHWAY COMMISSION OF WISCONSIN (SEAL)
By V. L. Fiedler
V. L. Fiedler, Secretary

June 19, 1961

U. S. DEPARTMENT OF COMMERCE (SEAL)
Bureau of Public Roads
By Federal Highway Administrator
Federal Highway Administrator

PLAN FOR CONTROLLING OUTDOOR ADVERTISING SIGNS IN AREAS
ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE
AND DEFENSE HIGHWAYS
IN THE STATE OF WISCONSIN

The provisions of Section 84.30, Wisconsin Statutes, enacted as Chapter 458, Laws of 1959, expressly incorporate a statement of Legislative Findings and Purpose proposing to conform to the expressed intent of Congress to control the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to the National System of Interstate and Defense Highways, authorizing the State Highway Commission to enter into agreements with the Secretary of Commerce, and further authorizing the Commission to accept any federal aids that would be forthcoming through such agreements.

Under the provisions of Section 84.30, Wisconsin Statutes, the State Highway Commission is directed to establish rules relating to control of outdoor advertising signs in a manner consistent with state law and the national policy.

The foregoing mentioned sections of the Wisconsin Statutes are set forth in bulletin No. 22 entitled Highway Laws of Wisconsin, a copy of which is included with and made a part of this Plan.

On March 7, 1960, the Commission adopted its rules as directed by the Statutes and on August 1 amended them to conform to revisions in the federal law and National Standards setting September 21, 1959, as the date to establish status of municipal boundaries. These rules were subsequently published in the Administrative Register and are fully effective since September 1, 1960. A copy of the Wisconsin Administrative Code, Chapter Hy 19, setting forth these rules is included with and made a part of this Plan.

These rules are administered and enforced by the State Highway Commission.

The approximate location of that portion of the National System of Interstate and Defense Highways within the State of Wisconsin is shown upon an

outline map of the state in relation to other state trunk highways and color coded to show segments which will be eligible in part for increased federal aids. Detailed maps of eligible segments of the Interstate System as completed will be submitted and will show the 660-foot zone of control and portions making up what we interpret as the eligible and ineligible parts for participation in the increase of the federal share. The initial segments included with this Plan are I-90 in Rock County from the Illinois line north 15½ miles, a 2.7 mile section of I-94 in Waukesha County, and 55 miles of I-94 in St. Croix, Dunn, and Eau Claire Counties. The small map showing progress on the system indicates where these completed and eligible sections are.

This Plan and the attachments hereto that are a part of the Plan, upon approval, will become a part of the Agreement. It is understood and agreed between the parties hereto that the state may, from time to time, submit additions or amendments to this Plan. If approved, such additions and/or amendments shall be incorporated in and become a part of the Agreement.

The State's Plan for Controlling Outdoor Advertising Signs in Areas Adjacent to the National System of Interstate and Defense Highways, as herein set forth is signed for the State Highway Commission of Wisconsin by its Secretary.

STATE HIGHWAY COMMISSION OF WISCONSIN

by

V. L. Fiedler
V. L. Fiedler, Secretary

on

May 12 1961